

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Isaiah Thomas Markert
Plaintiff

vs.

Case No. 1:22-CV-273-SPB

Oil City Ymca
Defendant(s)

RECEIVED

SEP 21 2022

EMPLOYMENT DISCRIMINATION COMPLAINT

CLERK, U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

Isaiah Thomas Markert
20 E 1st st
oil city, PA 8146712070
Venango county
8146712070

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

Oil City Ymca 7 Petroleum st Oil City Pa 16301	

JURISDICTION

The Court has jurisdiction over this action under 28 U.S.C. § 1331.

3. This employment discrimination lawsuit is based on (check only those that apply):

- a. ☒ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et. seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin. **NOTE:** *In order to bring suit in federal district court under Title VII, you must first obtain a right to sue letter from the appropriate administrative agency.*

- b. Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et. seq.*, for employment discrimination on the basis of age (age 40 or older). **NOTE:** *In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the appropriate administrative agency.*
 - c. ☒ American with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et. seq.*, for employment discrimination on the basis of disability. **NOTE:** *In order to bring suit in federal court under the American with Disabilities Act, you must first obtain a right-to-sue letter from the appropriate administrative agency.*
 - d. Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et. seq.*, for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance. **NOTE:** *In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate administrative agency.*
 - e. Other (please describe)
4. If you are claiming that the discriminatory conduct occurred at a location other than the defendant's address above, please provide the following information on where the conduct occurred:
5. When did the discrimination occur? Please give the date or time period:

February 2022

ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?
- a. ☒ Yes Date filed: 8/11/22
 - b. No
7. Have you received a Notice of Right to Sue Letter?
- a. ☒ Yes If yes, please attach a copy of the letter to this complaint.
 - b. No

NATURE OF THE CASE

8. The conduct complained of in this law suit involves (check only those that apply):
- a. Failure to hire me

- b. ☒ Termination of my employment
- c. Failure to promote me
- d. ☒ Failure to accommodate my disability
- e. Terms and conditions of employment differ from those of similar employees
- f. Retaliation
- g. Harassment
- h. Other conduct (please specify):
- i. Did you complain about this same conduct in the charge of discrimination, referred to in number 6 above?

☒ Yes

No

9. I believe that I was discriminated against because of my (check all that apply):

- a. ☒ Race
- b. Religion
- c. National origin
- d. Color
- e. ☒ Gender
- f. ☒ Disability
- g. Age (my birth year is:)
- h. Other conduct (please specify):

10. Did you state the same reason(s) in the charge of discrimination, referred to in number 6 above?

☒ Yes

No

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct (i.e. how, where, and when). Each paragraph must be numbered separately, beginning with number 11. Please write each allegation of discrimination in a separately numbered paragraph.

11. I was told i couldn't talk about me being gay, or even bring it up because it doesnt fall in line with the YMCA values by michelle murray when i was hired in September of 2021

12. I was also denied a reasonable accommodation in Mid february by 2022 by michelle murray, even though the YMCA already had given me one before so they had the medical paperwork to support my request. I asked them to write down my job description in more detail (what i can't do) because i was more stressed and had anxiety attacks, so during those stressful times i could remember. Michelle told me it would be "easier" to write down what I could do, and I said that was ok, but I never got anything. I even sent Michelle a recording of my therapist even recommending that accommodation. After it was denied I was fired 2 weeks later for something the accommodation could have prevented.

13. I was mistreated, I was punished more harshly than my co-workers. Which I believe had to do with my race. I was never written up. However I was fired for Letting people in for free when I was stressed out. I told people to go in but come back and pay, some people wouldn't. Now the reason I believe this has to do with race is because, Jennifer the aquatics director has screamed in my face multiple times and i have reported it, she has done it to others, she wasn't fired. Nick the monitor has threatened me and cussed at me in front of members, He wasn't fired. I even talked to Tom spence the CEO about it, and also reported to my managers and have text messages to prove it. He was fired. So the fact that my action that got me fired was as severe as theirs were, but my punishment is more harsh, combined with the fact i was the only african american working their at the time, i feel like it was discrimination.

REQUEST FOR RELIEF

State briefly and exactly what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

1. I am seeking monetary compensation for the discrimination, Back pay, front pay, The emotional distress i suffered and still am suffering from, As well as pain and suffering. As well as any possible disciplinary actions for the ymca for their actions.

I am also seeking the following amount in monetary compensation: 100,000

Date

Signature of Plaintiff Isaiah Thomas Markert

Mailing Address:

Isaiah Thomas Markert
20 E 1st st
oil city, PA 8146712070